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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

OFFICE OF ADMINISTRATIVE APPEALS
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Washington, D.C. 20536

identifying data deleted to prevent clearly unwarranted [redacted]

JUL0303_01J2101

File: HHW 214F 229 Office: HONOLULU, HAWAII Date: JUL 03 2003

IN RE: Petitioner: [redacted]

Petition: Petition for Approval of School for Attendance by Nonimmigrant Students under Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(F)(i)

ON BEHALF OF PETITIONER:

[redacted]

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Petition for Approval of School for Attendance by Nonimmigrant Students (Form I-17) was denied by the District Director, Honolulu, Hawaii. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The Form I-17 reflects that the petitioner in this matter is a private language school established in March 2002. The school offers instruction in English. The school declares an average annual enrollment of 70 students with five instructors. The petitioner seeks approval for attendance by F-1 nonimmigrant academic students. The petitioner states that it is a wholly owned subsidiary of a Japanese firm that operates a high school program [redacted] in Japan. The petitioning school offers three types of English language courses ranging in length from one week to one year.

The record of proceeding contains a petition and supporting documents, a request for additional evidence and the petitioner's response, the director's decision, the appeal and brief.

The district director denied the petition, finding that the petitioner failed to establish that the petitioning school is licensed, approved or accredited as required by 8 C.F.R. § 214.3(B). The district director further determined that the petitioner failed to submit letters from at least three accredited institutions attesting that graduates from the petitioning institution have been and are accepted unconditionally.

On appeal, counsel for the petitioner asserts that the district director erred in his decision because the State of Hawaii does not register or approve language schools and there is no requirement in the regulations that language schools be accredited.

8 C.F.R. § 214.3(a)(2)(i)(G) provides that approval for F-1 attendance may be authorized for:

> An institution which provides language training, instruction n the liberal arts or fine arts, instruction in the professions, or instruction or training in more than one of these disciplines.

8 C.F.R. § 214.3(b) specifies required supporting evidence, in pertinent part, as follows:

> Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he or she is authorized to do so to the effect that it is licensed, approved or accredited.

8 C.F.R. § 214.3(c) provides, in part, that:

> If the petitioner is a vocational, business, or language school . . . it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character.

The district director denied the petition in part, finding that the petitioner failed to establish that at least three accredited institutions have been and are accepting the school's credits unconditionally as required at 8 C.F.R. § 214.3(c). To satisfy this requirement, the petitioner submitted a letter from Okayama University of Science that states that it has accepted a "graduate from Tohrinkan High School" in Japan. The petitioner submits letters from Otani University (Kyoto, Japan) and Kinki University (Hiroshima, Japan) indicating that they had accepted Tohrinkan High School graduates for admission.

In review, the petitioner failed to establish that at least three accredited institutions have been and are accepting credits from the petitioning school in Hawaii. The letters provided by the petitioner only indicate that its parent organization's credits have been accepted by institutions of higher education in Japan.

The district director further denied the petition on the grounds that the petitioner failed to establish that it is licensed, approved, or accredited. It is noted that the State of Hawaii does not approve or license language schools. The petitioner admits that it is not accredited and states that it is ineligible for accreditation because it has been in operation for less than two years. The petitioner has not overcome the district director's objection to approving the petition.

In review, the petitioner provided the Bureau with some but not all of the required documentation. The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden.

ORDER: The appeal is dismissed.